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2 LAW OFFICES OF de BIE and CROZIER, LLP
3 W. Scott de Bie, State Bar No. 88612
3 1107 Second Street, Suite 220
4 Sacramento, California 95814
4 (916) 442-4545

5 Attorney for Debtor

6 UNITED STATES BANKRUPTCY COURT
7
8 EASTERN DISTRICT OF CALIFORNIA
8 (Sacramento Division)

9 In the Matter of

10) Case No. 07-20072-E-13L
11 AERY J. UPTON) DC No. SdB-3
12)
13)
14)
15) Debtor.)
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EXPARTE MOTION FOR ORDER
ALLOWING DEBTOR TO
BORROW MONEY

Date: None Required
Time: None Required

17 1. The Debtor hereby moves the Court for an order authorizing Debtor to
18 enter into a loan agreement.

19 2. The loan is to pay unanticipated post-petition tax liabilities that arose
20 through an audit and are based upon a clerical error and the reporting of income by
21 Debtor's former attorney which Debtor disputes.

22 3. The terms of the loan are: \$5,000.00; \$164.00 for the monthly payments
23 on this contract and 9.900% for the annual percentage rate of interest.

25 4. The Debtor certifies that:
26 a. all payments required by the plan are current;
27 b. the plan is not in default;
28 c. Schedules I and J filed within 30 days of the motion reflect that Debtor

1 has the ability to pay all future plan payments and projected living and business
2 expenses, as well as repay the new debt;

3 d. The new debt is a single loan incurred to pay income taxes that arose
4 through no fault or error by the Debtor, the payment of which is necessary for the
5 continuation of Debtor's plan and an effective reorganization.

9 f. The new debt does not exceed \$5,000.00.

10 I certify that the above information is true, under penalty of perjury.

Respectfully submitted:

13 Dated: 5/20/10

W. Scott de Blie, Attorney for Debtor

16 Dated: 5-21-10

Nell Enmark, Attorney for Trustee

original